
From: Macaulay, Angus H.
Sent: Monday, December 13, 2021 11:23 AM
To: Robert Dodson
Cc: Svedberg, Sara S.; Clark, Brittany N.
Subject: RE: Hawkins v. ODC et. al. [IWOV-NPCOL1.FID2294751]

Robert -- this is to confirm our conversation on Wednesday, December 8th about your clients' outstanding discovery responses. In that conversation, you and I "agreed to disagree" with regard to your clients' responses to Interrogatory Nos. 5-9, 11-13, 15, 17, 18 and RFPs 7-10, and you are not willing to change your position with regard to those responses.

With regard to our discussion on December 8th about your clients' responses to Interrogatories Nos. 22-23, we do not believe that your responses should be contingent upon some type of assurance from ODC as you require. We are merely asking that your clients provide support for the specific allegations in the Complaint. As a result, we will have to "agree to disagree" on these interrogatory responses also.

Based on the foregoing, and as I stated to Judge Childs in the hearing on December 9th, we will be filing a Motion to Compel your clients' responses to the above-referenced discovery requests.

Finally, you have still not responded as to whether you would agree to the entry of a confidentiality order in the case. Therefore, we will move for such an order and indicate that you do not consent.

Angus

Angus H. Macaulay
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NEXSEN | PRUET

NEXSEN | PRUET

From: Macaulay, Angus H. <AMacaulay@nexsenpruet.com>
Sent: Thursday, December 2, 2021 2:49 PM
To: Robert Dodson <rdodson@rdodsonlaw.com>
Cc: Svedberg, Sara S. <SSvedberg@nexsenpruet.com>; Clark, Brittany N. <BCClark@nexsenpruet.com>
Subject: Re: Hawkins v. ODC et. al. [IWOV-NPCOL1.FID2294751]

Robert - I wanted you to respond to my Nov 24th email which was in response to your Nov 22nd email
Angus

Sent from my iPhone

On Dec 2, 2021, at 1:20 PM, Robert Dodson <rdodson@rdodsonlaw.com> wrote:

{EXTERNAL EMAIL}

Angus,

Is there something specific you wanted me to respond to? I thought my letter of November 22nd outlined my position in a fair and reasonable manner.

Attached, please find Plaintiffs' Supplemental discovery responses as outlined in my November 22nd letter.

Best regards,

Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, STE 200
Columbia, SC 29201
(803) 252-2600

From: Macaulay, Angus H.
Sent: Wednesday, December 1, 2021 3:25 PM
To: Robert Dodson
Cc: Svedberg, Sara S.; Clark, Brittany N.
Subject: RE: Hawkins v. ODC et. al. [IWOV-NPCOL1.FID2294751]

Robert - are you going to respond to my November 24th email concerning the supplementation of your clients' discovery responses?

Angus

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NEXSEN | PRUET

NEXSEN | PRUET

From: Macaulay, Angus H.
Sent: Monday, November 29, 2021 2:47 PM
To: 'Robert Dodson' <rdodson@rdodsonlaw.com>
Cc: Svedberg, Sara S. <ssvedberg@nexsenpruet.com>; Clark, Brittany N. <BClark@nexsenpruet.com>
Subject: RE: Hawkins v. ODC et. al. [IWOV-NPCOL1.FID2294751]

Robert – in following up on our November 22nd email below and as continued “meet and confer” as required by the Federal Rules,

- We will withdraw our demand that you supplement your responses to RFPs Nos. 1-4 and 6; and
- We will withdraw our demand that you supplement your responses to Interrogatory Nos. 10, 14 and 16.

With regard to a privilege log, we do not require that you provide a log which lists “direct communications between you and [your] client,” per page 2 of your letter. However, we do believe that such a log should be provided for any such other communications between your client and, for example, Mr. Virzi (assuming you contend such communications are privileged).

Please let me know if you have any questions.

Thanks, Angus

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NEXSEN | PRUET

NEXSEN | PRUET

From: Macaulay, Angus H.
Sent: Wednesday, November 24, 2021 4:09 PM
To: 'Robert Dodson' <rdodson@rdodsonlaw.com>
Cc: Svedberg, Sara S. <ssvedberg@nexsenpruet.com>; Clark, Brittany N. <BClark@nexsenpruet.com>
Subject: RE: Hawkins v. ODC et. al. [IWOV-NPCOL1.FID2294751]

Robert – please allow this email to serve as a response to your November 22, 2021 correspondence regarding your clients’ discovery responses. Please consider this communication as continued “meet and confer” as required by the Local Rules.

Thank you for agreeing to supplement your responses to Interrogatory Nos. 19 and 20, per page 2 of your letter. We look forward to reviewing your responses.

With regard to Interrogatory Nos. 5-9, 11-13, 15, 17, 18 as well as RFPs 7-10, we respectfully disagree with your position for several reasons:

- First, we understand from your letter that Mr. Virzi objected to “similar documentation and information related to [ODC’s] investigation” (page 1 of your letter). Any possible objections to discovery requests during ODC’s investigation are not automatically objectionable in this federal court proceeding.
- Second, while we understand that Mr. Hawkins may have ultimately approved of the ads at issue (page 2 of your letter), we believe that Defendants have the right to discover information about how those ads were created, the creative decisions that went into the production of those ads, discussions that were had about choice of actors, scripts, etc.... We do not believe that Mr. Hawkins was the sole person who conceived, scripted, and produced the ads in question and chose the actors for those ads. This has no connection to any “bootstrapping” of additional charges, as you suggest on page 2 of your letter.
- Finally, you also object to the above-referenced discovery on the basis that the information sought is “confidential and proprietary.” We believe that this concern can be cured by a confidentiality order.
- For these and previously stated reasons, we request that you supplement your responses to Interrogatory Nos. 5-9, 11-13, 15, 17, 18 and RFPs 7-10.

With regard Interrogatory Nos. 22 and 23, please supplement these responses as well.

Please let me know, by the close of business on Monday, November 29th, if you will supplement your responses as stated above and if you will agree to a confidentiality order.

We are seeking authority from our client with regard to the following:

- Your failure to produce a privilege log based upon your assertion that “only documents being withheld are direct communications between you and [your] client,” per page 2 of your letter.
- Your responses to RFPs 1-4 and 6.
- Your responses to Interrogatory Nos 10, 14 and 16.

We will inform you before the close of business on Monday, November 29th as to these specific discovery requests.

We hope that you and your family have a great Thanksgiving.

Angus

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From: Robert Dodson <rdodson@rdodsonlaw.com>
Sent: Monday, November 22, 2021 3:08 PM
To: Macaulay, Angus H. <AMacaulay@nexsenpruet.com>
Subject: Hawkins v. ODC et. al.

{EXTERNAL EMAIL}

Angus,

Please see attached. I'm happy to discuss in further detail if you think that would be useful. I'm also happy to discuss any other issues aside from discovery.

Best regards,

Robert D. Dodson, Esquire
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(803) 252-2600

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